

THE STATE OF MONTANA

COMMISSIONER OF POLITICAL PRACTICES  
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## CAMPAIGN FINANCE AND PRACTICES

### COMPLAINT FORM (07/01)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

#### PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME BFP Action Committee  
COMPLETE MAILING ADDRESS 2343 Meridian Rd.  
Victor MT 59875  
TELEPHONE NUMBERS: WORK 642-3289 HOME 642-3289

#### PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME Bitterroot Building Assoc.  
COMPLETE MAILING ADDRESS 501 North 1st St.  
Hamilton MT 59840  
TELEPHONE NUMBERS: WORK 375-9411 HOME n.a.

**PLEASE COMPLETE THE SECOND PAGE OF THIS FORM AND DESCRIBE IN  
DETAIL THE FACTS OF THE ALLEGED VIOLATION.**

#### VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF Ravalli

I, Phillip R. Taylor, being duly sworn, state that the information in this  
Complaint is complete, true, and correct, to the best of my knowledge and belief.

Phillip R. Taylor

Signature of Complainant

Subscribed and sworn to before me this 1 day of  
November, 2006

Beverly Laursen  
Notary Public



BEVERLY LAURSEN  
NOTARY PUBLIC-MONTANA  
Residing at Stevensville, Montana  
My Comm. Expires March 4, 2008

My Commission Expires: 3-4-2008

**CAMPAIGN FINANCE AND PRACTICES  
COMPLAINT FORM**

**PAGE 2**

Complainant: BFP Action Committee

Respondent: Bitterroot Building Assoc.

**STATEMENT OF FACTS:**

Describe in detail the alleged violation(s) and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

\* See Attached Complaint

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR  
VERIFICATION SIGNATURE**

**COMPLAINTS MUST BE:**

- SIGNED
- NOTARIZED
- DELIVERED IN PERSON OR BY CERTIFIED MAIL



## COMPLAINT

I Phillip Taylor, a resident of Ravalli County, and Treasurer of BFP Action Committee, 2343 Meridian Road, Victor, Montana 59875 allege that the Bitterroot Building Association, 501 N. 1<sup>st</sup> Street, Hamilton, Montana 59840 has violated Montana's campaign finance and practices laws.

There are a number of issues associated with this complaint and the term complaint is in actuality, complaints.

The Bitterroot Building Association registered with the Commissioner of Political Practices as an "incidental committee". An incidental committee is a political committee that is not specifically organized for the primary purpose of influencing elections but that may incidentally become a political committee by making a contribution or expenditure to support or oppose a candidate and/or issue.

1. The C-2 filing does not state if the Bitterroot Building Association (BBA) is a corporation. If they are a corporation their C-2 must contain such a designation. ARM 44.10.405. The BBA is not registered with the Secretary of State.
2. The Bitterroot Building Association (BBA) by its own actions should be classified as a Political Action Principal Campaign Committee Type or as a Ballot Issue Committee. 44.10.327(a). The association lists one sole issue on its C-2, opposition to interim zoning 1 per 2. The association in filing for status as a political committee in effect established a separate entity (committee) beyond the purpose of their association, whose purpose is to oppose a ballot issue. They do not meet the definition of Incidental Committee, 44.10.327(c) because their original intention was to oppose this ballot issue. Their opposition was not incidental, but a calculated premeditated effort to oppose this ballot issue. Their Web Site, <http://www.bitterrootbuilding.com/newsletter/newsletter.pdf> published political opposition statements to this ballot issue but removed those articles on or about October 27, 2006. I have included a copy of their web site materials and refer you to the third page of their October Bitterroot News.
3. This complaint is also about BBA not reporting financial information required by the State of Montana and the fact that this Association has not reported the income for this Incidental Committee properly. In fact they have not reported any income. They have made expenditures totaling \$37,000.00. The expenditures were to a Missoula based political committee, Residents for Responsible Land Use (RRLU) in three checks, \$10,000.00 on September 28, 2006 the same day RRLU registered with the Secretary of State, a second check for \$10,000.00 on October 10, 2006 and a third check for \$17,000.00 on October 16, 2006. The sole purpose of RRLU is to oppose the same ballot issue.  
In a Ravalli Republic newspaper article on Monday, October 30, 2006 "Paul Wilson, BBA president, said the donations were made to support a campaign that represents the interests of his organization and denies violating any campaign regulations. He said



the money came from membership, private contributions and from the Montana Building Industry Association, which supports similar campaigns around the state."

This statement alone defines the BBA as either a Political or Ballot committee and as such it has to meet all the requirements of financial reporting. The private contributions as well as the membership and the Montana Building Association contributions must be reported and reported individually as required by MCA 13-37-208(1) and MCA 13-37-207(2). The BBA has not listed any contributors or contributions on their C-4 report. The expenditure of \$37,000.00 thus far is far beyond what membership or association dues could muster. These contributed funds were given, possibly earmarked for the purpose of defeating the Ravalli County Interim 1 for 2 initiative. If they were association dues etc why would the association have not written one check for the entire \$37,000.00?

4. The BBA has violated filing requirements. Their original C-2 was faxed on September 21, 2006 and the actual filing of same is dated October 23, 2006, 32 days after the faxed version. Interesting enough, RRLU filed by mail an amended C-2 with the commissioner on October 23, 2006, the same day BBA filed their mailed in C-2. The requirements call for mailing the C-2 in a reasonable time after faxing it in.

5. It seems obvious that the BBA attempted to hide the contributor's names for their opposition efforts. In an earlier email to the Commissioners office I stated my opinion about the reporting requirements of all committees. A staff member had stated that there was some exception or exemption of contribution reporting provided to associations in the statutes.

I have reviewed all the statutes of MCA Title 13, chapter 37. I have also researched and reviewed the entire ARM that relates to the Commissioner of Political Practices. I can find no exception or exemption for not reporting their funding source(s). If the contributions were membership dues they should report them as such. Your web site instructions state:

#### **Who must file statements.**

The statement filing requirements of "MCA Title 13, chapter 37 apply to **every political committee with the exception** of those associated with certain school districts as well as certain special districts," and this Committee is clearly not one of those excepted districts.

#### **Who must file reports.**

Committee finance report filing requirements of MCA Title 13, chapter 37 apply to **all political committees with the exception** of county, municipal and school committees...and this Committee is clearly not one of those excepted committees. If in fact some of the contributions were earmarked the following would apply;

(5) Incidental committees that receive contributions that are earmarked for a specified candidate, ballot issue, or petition for nomination must report the contributions pursuant to 13-37-229, MCA, and ARM 44.10.511 and 44.10.519. A contribution to an incidental committee is earmarked if it meets the criteria set forth in ARM 44.10.519(1), and the

exemptions described in ARM 44.10.519(1)(a) do not apply to such contributions received by incidental committees.

The ARM is a little confusing and may represent that these funds are not categorized as "earmarked". However the statute states " **13-37-207. Deposit of contributions -- statement of campaign treasurer.** (1) All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate or political committee shall be deposited....."

In addition,

"**MCA 13-37-217. Contributions in name of undisclosed principal.** No person may make a contribution of his own money or of another person's money to any other person in connection with any election in any other name than that of the person who in truth supplies such money. No person may knowingly receive such a contribution or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished."

Disclosure of contributions is covered in MCA 13-37-229(2) the full name, mailing address, occupation, and employer, if any, of each person who has made aggregate contributions, other than loans, of \$35 or more to a candidate or political committee, including the purchase of tickets and other items for events, such as dinners, luncheons, rallies, and similar fundraising events;

The C-4 instructions clearly spell out what must be reported. , income and expenditures

It appears that ALL political committees, including those committees filing as incidental, are treated equally under the law and ARM as far as financial reporting requirements are concerned.

I ask that you require the Bitterroot Building Association to report their funding source(s) immediately. We have reason to believe this funding did not come from membership dues or membership contributions. The voters of Ravalli County have a right to know who is opposing this Interim Zoning initiative.

The Association is in violation of Montana's campaign finance and practices law. I hereby request enforcement of the reporting requirements as set forth in 13-37-128. I further request that the Commissioner notify the County Attorney of this violation for immediate investigation. I ask that the Commissioner issue an order requiring the Bitterroot Building Association to immediately cease disseminating any political information on their web site.



# Building for the future

by Paul Wilson, BBA President

CHIEF

**TAMARACK**  
CONSTRUCTION CO. INC.

Greetings,

As you know, the BBA has launched a public awareness campaign to inform the residents of Ravalli County about the negative impact that a specific ballot issue will have on the entire building industry. The ballot issue would limit only one residence per two acres in unincorporated areas of Ravalli County. The Board of Directors has reviewed this ballot issue and spent a great deal of time investigating the outcome of how this valley would be effected if this measure passes in November. The general consensus of the board is that this is not only bad for our industry but also bad for our valley's landscape and the valley economy as a whole. We feel this ballot measure has far reaching negative ramifications for our industry and it is important that this ballot measure is defeated, and it can only be defeated at the polls. It is also important that we get someone in favor of our industry elected to our state and local government positions. We want to make our membership aware that there is a real need to vote to protect our industry and our businesses at the election on November 7. If you are not registered to vote, please call the BBA office and Karen will provide you with a voter registration card. The last day to register is October 9, so make that call today and get registered!

## Some of the negative aspects of the ballot measure:

- It will increase the cost of housing by creating lot sizes that are unaffordable to lower or average income families.
- The interim zoning takes away the voice of the people because it can be renewed or extended at the will of our county commissioners
- A density of one dwelling unit per two acres is not wise land use because it consumes so much land. This will effectively ruin any chance of creating open space in developments.
- There will be less houses being built and contractors will see a lower volume of work available to them.

This measure negatively effects everyone who is in the building industry, from excavating and drilling companies to title companies.

*So get registered &*

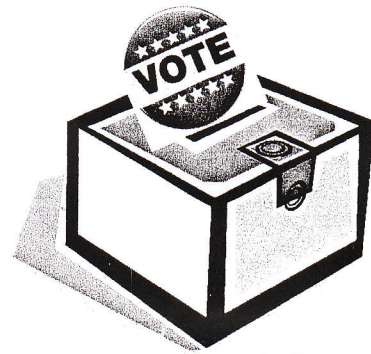


*Remember, the world is run  
by those who show up!*

*Paul*

## SAVE THE DATE!

BBA's fifth annual Home Expo coming to Ravalli County Fairgrounds on **Saturday, February 24, 2007**. Eighty-five booths available. More information coming in the October Newsletter!



**ON NOVEMBER 7  
VOTE AGAINST  
BALLOT ISSUE**

**"ELECTION TO ADOPT IN-  
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TO A DENSITY OF ONE  
HOUSE  
PER TWO ACRES"!**

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